

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

December 27, 2010

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No. 10-50515  
Summary Calendar

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Lyle W. Cayce  
Clerk

EUGENE REED,

Plaintiff-Appellant

v.

TEXAS DEPARTMENT OF TRANSPORTATION,

Defendant-Appellee

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:09-CV-381

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Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Eugene Reed appeals the district court's grant of the Motion for Summary Judgment filed by Defendant-Appellee Texas Department of Transportation ("DOTD"), dismissing Reed's employment discrimination action grounded in disparate treatment on the basis of race. We have reviewed the entire record on appeal, including the briefs of the parties and the applicable

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 10-50515

law as presented therein and as independently determined, and are satisfied that the judgment of the district court should be, and hereby is,

AFFIRMED.